

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: MARK S. GELBS a/k/a MARK : CHAPTER 13
STEVEN GELBS a/k/a MARK GELBS :
Debtor :
: :
JACK N. ZAHAROPOULOS :
STANDING CHAPTER 13 TRUSTEE :
Movant :
: :
vs. :
: :
MARK S. GELBS a/k/a MARK :
STEVEN GELBS a/k/a MARK GELBS :
Respondent : CASE NO. 5-22-bk-01871-MJC

MOTION TO DISMISS CASE FOR FAILURE TO FILE 2020 TAX RETURNS
WITH IRS AND FOR FAILURE TO MAKE PAYMENTS

AND NOW, on February 22, 2023, comes Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, hereby moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case in accordance with §§ 1307(e) and 1308 due to failure to file tax returns with the Internal Revenue Service for the year 2020. In support of this Motion, the Trustee states as follows:

1. This case was filed on September 29, 2022.
2. The Trustee held open the § 341 Meeting of Creditors from October 31, 2022.
3. Pursuant to § 1308(b)(1), the Trustee is allowed to hold open the Meeting of Creditors for up to 120 days after the originally-scheduled meeting in order for unfiled returns to be filed with the appropriate taxing authorities.
4. One hundred twenty days after October 31, 2022 is February 28, 2023 and the next date a Meeting of Creditors could be scheduled is beyond that date, the Trustee hereby moves to dismiss this case.
5. Moreover, since the date this case has been filed, the Trustee has received no plan payments.

Notice of hearing is included with this Motion to Dismiss.

WHEREFORE, Movant requests this Honorable Court to dismiss this case in accordance with §§ 1307(e) and 1308.

Respectfully submitted:

/s/Jack N. Zaharopoulos, Esquire
Standing Chapter 13 Trustee
Id: #330029
8125 Adams Drive, Suite A
Hummelstown, PA 17036
(717) 566-6097
Phone: (717)566-6097
Email: info@pamd13trustee.com

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IN RE: MARK S. GELBS a/k/a MARK : CHAPTER 13
STEVEN GELBS a/k/a MARK GELBS :
Debtor :
: : CASE NO: 5-22-bk-01871-MJC
: :
: MOTION TO DISMISS CASE

NOTICE TO PARTIES

NOTICE IS HEREBY GIVEN that Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss Case for failure to file 2020 tax returns with the IRS and for failure to make payments.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

U.S. Bankruptcy Court Max Rosenn U.S. Courthouse 197 S. Main Street Wilkes Barre, PA 18701	Date: March 16, 2023 Time: 10:00 AM

Any objection/response to the above referenced matter must be filed and served on or before:
March 8, 2023.

If service was properly made and Respondent(s) fail to file an objection/response by the above specified date, the Court **may** determine after review of the Motion that no hearing is required and grant the relief requested.

If a default order has not been signed and entered, the parties or their counsel are required to appear in Court at the hearing on the above date and time.

Jack N. Zaharopoulos
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097

Dated: February 22, 2023

Email: info@pamd13trustee.com

CERTIFICATE OF SERVICE

AND NOW, this 22nd day of February, 2023, I hereby certify that I have served the within Motion by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Hummelstown, Pennsylvania, postage prepaid, first class mail, addressed to the following:

Steven Savoia, Esquire
621 Ann Street
P.O. Box 263
Stroudsburg, PA 18360

Mark Gelbs
167 Water Tower Circle
East Stroudsburg, PA 18301

United States Trustee
228 Walnut Street
Suite 1190
Harrisburg, PA 17101

/s/Deborah A. Behney
Office of Jack N. Zaharopoulos
Standing Chapter 13 Trustee

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STANDING CHAPTER 13 TRUSTEE :
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vs. : CASE NO. 5-22-bk-01709-MJC
: :
MARK S. GELBS a/k/a MARK :
STEVEN GELBS a/k/a MARK GELBS :
Respondent : MOTION TO DISMISS CASE

ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss Case for Failure to file
2020 tax returns with the IRS and for failure to make payments,

IT IS HEREBY ORDERED that the above-captioned bankruptcy be and hereby is
DISMISSED.